

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRIDGET STRESING,

Plaintiff-Claimant,

v.

Case No. 14-C-430

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant-Respondent.

DECISION AND ORDER

Plaintiff-Claimant Bridget Stresing (“Stresing”) seeks leave to proceed *in forma pauperis* on action for judicial review of the denial of her social security disability benefits claim. In order to authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: First, whether the litigant is unable to pay the costs of commencing this action; and, second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i).

By her petition and affidavit to proceed *in forma pauperis*, Stresing avers that she is unemployed. Although she is responsible for supporting two sons, she does not contribute to their support. In March, she received monthly pension payments of \$557.50 and \$150 in public assistance benefits. As of this month, she no longer receives the public assistance. Her sole asset is a 1995 Saturn car worth about \$800.

Stresing’s total monthly expenses are \$525.00, which includes \$200 for rent; \$200 for groceries; \$10 for medical expenses; \$25 for clothing; and \$40 for gasoline and a \$50 monthly payment on a bank loan. Stresing’s expenses are modest and are only

\$27.50 less than her monthly income. In the Court's view, Stresing has satisfied the requirements of 28 U.S.C. § 1915(a) and is unable to pay the \$350 filing fee for this action.

Stresing must next demonstrate that her action has merit as required by 28 U.S.C. § 1915(e)(2)(B)(i). An action is frivolous if there is no arguable basis for relief either in law or in fact. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)); *Casteel v. Pieschek*, 3 F.3d 1050, 1056 (7th Cir. 1993).

Under 42 U.S.C. § 405(g), a plaintiff may obtain review of the Social Security Commissioner's decision. Upon judicial review, this Court must uphold the Commissioner's final decision as long as the correct legal standards have been used and the decision is supported by substantial evidence. *See Roddy v. Astrue*, 705 F.3d 631, 636 (7th Cir. 2013).

Stresing's request for review by the Appeals Council was denied; however, it granted her request for additional time to file this action. While Stresing does not provide any details, she states that the Commissioner's decision denying her application for social security disability benefits is not supported by substantial evidence and is contrary to law. At this preliminary stage of the proceedings, the Court concludes that there may be a basis in law or in fact for Stresing's appeal of the Commissioner's decision and the appeal may have merit, as defined by 28 U.S.C. § 1915(e)(2)(B)(i). Therefore, the Court grants Stresing's request to proceed *in forma pauperis*.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Stresing's petition for leave to proceed *in forma pauperis* (ECF No. 3) is
GRANTED.

Dated at Milwaukee, Wisconsin, this 22nd day of April, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge